

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 01-EP-8
)	
Application For Certification of the)	STAFF ASSESSMENT
Gilroy City LM6000 Project,)	ERRATA
<u>Calpine Inc.</u>)	

On May 15, 2001, Staff filed its Staff Assessment on the Calpine Gilroy City LM6000 project. Staff has identified two typographical errors that require correction and has clarified its conclusion that, based on staff's assessment, there are no environmental justice issues associated with the project. In addition, Calpine has informed staff that a lengthy survey would be required to complete staff's proposed condition **BIO-10**. Staff has rewritten this condition to allow Calpine to negotiate with the U.S. Fish and Wildlife Service alternative mitigation for an acceptable alternative to the required survey originally proposed in this condition.

Staff proposes the following changes to the staff assessment:

Page 18: Noise Analysis – In the fourth full paragraph, last sentence, insert “not.” The sentence should read:

The applicant has also indicated that it would **not** release steam or perform any other excessively loud operation during these hours.

Page 24: Environmental Justice – Replace the last paragraph of this section with the following:

The only potential adverse effects of the project would be air quality or public health impacts. Staff has determined that the impacts from this project, with implementation of staff's recommended conditions of certification, will not result in a significant adverse impact to the surrounding community. Staff finds that there are no environmental justice issues associated with this project.

Page 49: Condition BIO-10 – Replace the existing condition with the following:

BIO-10 Prior to site disturbance, a qualified biologist will survey the Llagas Creek riparian area to determine the presence or absence of Least Bell's vireo. Surveys shall be conducted according to protocols published by USFWS. Prior to site disturbance, the applicant may, with the consultation and approval of USFWS, undertake mitigation for potential impacts to Least Bell's vireo in lieu of the required survey.

Verification: Prior to construction the applicant shall either a) submit a report of the findings of the survey to the CPM or b) provide the CPM with a letter from USFWS which details the mitigation to be undertaken in lieu of the required survey or c) provide

documentation that the USFWS will not require mitigation for this species. If the survey is conducted and Least Bell's vireo are sited, the CPM will recommend additional agency consultation in order to determine appropriate mitigation to be implemented prior to site disturbance.

Page 52: Condition Noise-1 – Please change the language of the fourth sentence of the **Verification** to read: "...noise levels at the closest sensitive receptor are in excess of **57 dBA**..."

DATED: May 21, 2001

Respectfully submitted,

ORIGINAL SIGNED BY

JEFFERY M. OGATA
Senior Staff Counsel

